



PEGGY KRUSICK
STATE REPRESENTATIVE

**Peggy Krusick's Testimony in Support of AB 81
(Disabled Parking Accessibility Trailer Bill)
Senate Committee on Transportation
September 28, 2011**

Thank you, Chairman Lazich and Committee members, for the opportunity to testify in support of AB 81, the Disabled Parking Accessibility Trailer Bill.

This trailer legislation addresses an unintended consequence of the Disabled Parking Accessibility Act (2005 Act 455). Among other things, Act 455 strengthened handicap parking permit eligibility standards, increased forfeitures for permit abuse, and made lying on a permit application illegal.

Since the enactment of Act 455, disabled parking enforcement officials have informed us that the new law was written in such a way that actually impedes their ability in some cases to cite a violator who illegally uses a handicap parking permit.

AB 81 has 4 primary provisions

The bill rectifies enforcement difficulties by making the following two changes to the law:

- 1) Restores the ability to cite for **fraudulent use** of a handicap parking permit. The word **use** was deleted from the statute under Act 455, because it was believed that another provision covered this violation. However, now parking enforcement officers say the word **use** needs to be restored for them to cite this violation--which they say is the most common.
- 2) No longer requires someone to **knowingly** display a permit on an unauthorized vehicle to be subject to a citation. DOT already provides information on lawful and unlawful use of handicap parking permits when they are issued to recipients. Requiring law enforcement to demonstrate to a court that someone knew that they weren't supposed to display a permit is burdensome and unnecessary. Merely displaying a permit on an unauthorized vehicle would be enough to get you a ticket under AB 81.

The bill also increases the maximum penalty from \$300 to \$500 for these two violations:

- 3) Selling a handicap parking permit, and
- 4) Fraudulently using a permit that was not issued to the holder.

Rationale

Disabled parking permits allow users to park in handicap parking spaces, park at meters for free, park in time limited spaces for as long as they need, and get gas at full service pump for self-service price. The permits are also valid in all 50 states and Puerto Rico.

Unfortunately, abuse of disabled parking permits continues to be a widespread and serious problem that must be stopped.

Healthy able-bodied people are using disabled parking permits as “park for free” cards at the expense of people with disabilities.

By passing this simple trailer legislation we can help to ensure that the law is enforced as intended, so that reserved disabled parking spaces remain accessible for those who rightfully need them.

Supporters

IndependenceFirst

Disability Rights Wisconsin

Survival Coalition of Wisconsin Disability Organizations

Wisconsin Coalition of Independent Living Centers

Sauk County Disabled Parking Enforcement Council

City of Madison Parking Council for People with Disabilities

Wisconsin Council on Physical Disabilities

Wisconsin County Police Association

Wisconsin Council of the Blind and Visually Impaired

Access to Independence

ISTHMUS | The Daily Page**Abusers hike cost of disabled parking**

Proposed state law change would plug enforcement loophole

by Joe Tarr

on Thursday 03/11/2010

When Steve Pribbenow moved to Baraboo about 20 years ago, he had an awfully hard time finding parking spaces.

Pribbenow and his wife at the time were both disabled and needed the reserved spots for their wheelchair lift. But it seemed like the handicap-accessible spaces were always taken. There couldn't possibly be that many disabled people in town, he thought.

Fed up, Pribbenow helped form a local committee to police disabled spaces, catching people who use tags fraudulently. He has since become something of an expert on disabled parking laws. He trains volunteers around the state, including Madison, to catch cheats who illegally park in disabled spaces.

Over the years, Pribbenow has caught hundreds of people. It still ticks him off.

"People fraudulently use [disabled tags] because they're lazy," he says. "If I see somebody pull up into a stall and put a tag up and do a hop, skip and a jump into a store, I'm going to wonder what their problem is."

Fraudulent use of disabled parking tags is a big problem, police and parking officials say. Not only does it inconvenience people with legitimate disabilities, it costs local governments money.

According to Pribbenow, police estimate a single disabled tag can cost a city \$2,000 a year in lost parking revenue. "You can start doing the math and you're talking big money," he says. Madison estimates it subsidizes disabled parkers — both legitimate and illegitimate — to the tune of \$800,000 each year.

"For any group that has special privileges, other people pay for that," says Bill Putnam, Madison parking engineer. "There is a cost to the general population."

To make matters worse, a 2005 change in state law accidentally made it more difficult to cite people who illegally use disabled tags. Legislation is currently in the works to fix that problem. And debate about what privileges the disabled should have continues.

Every year, Madison's parking enforcers do a survey of the downtown area, bounded by Butler, Lake, Wilson and Langdon streets, counting how many cars have disabled tags on them. Then they try to verify if the tags are legitimate. Often, they're not.

"You'll find a lot of dead people parking downtown," jokes Stefanie Niesen, Madison's parking enforcement supervisor, about the number of tags that should have gone out of circulation when their rightful owner died.

People with disabled tags — either permanent license tags or temporary ones that they hang from their mirrors — are allowed to park in any disabled spot. There are about 25 street spots in downtown Madison. In Wisconsin, they can also park for free at any metered spot for up to 48 hours (except ones with less than a half-hour time limit).

City officials say about 15% of all metered spots downtown are occupied by cars with disabled tags. This percentage has remained fairly steady in recent years, Putnam says, but "as the population ages, we expect to see that percentage going up."

Many people with disabled tags are valid users, even if it isn't always obvious that they are disabled. For instance, Bill Tangney, a longtime member of the city's Disabled Parking Enforcement Assistance Council and the Commission on

People with Disabilities, has a friend with multiple sclerosis who, "if she walks too far, she gets too tired and her day is gone."

The state issues disabled parking tags to people who are certified by a doctor to have either a permanent or temporary disability that makes it difficult to walk 200 feet or more without stopping to rest; who need a wheelchair, cane, crutches or prosthetic to move; have lung disease or use portable oxygen; or have cardiac conditions, arthritis or neurological conditions.

But some people are using tags meant for others (a spouse, parent, dead aunt) or have obtained them under false pretenses. Statistics are hard to come by, but officials say abuse is widespread. Madison parking enforcement officer Mark Packard says one year he confiscated 278 disabled tags that were being used illegally.

Catching people who abuse disabled parking privileges has never been easy, but a 2005 change in state law made it even harder.

Back then, the Legislature drafted new penalties for fraudulent use of disabled tags, but dropped the word "use" from the list of offenses covered by the statute. The result, says assistant Madison city attorney Maureen O'Brien, was that "you could prosecute someone for making or altering a tag, but not for just using it."

It's still against the law to use a tag that doesn't belong to you, but officers must prove violators knowingly broke the law, which is almost impossible. Now police write tickets for "unlawful use" of tags, which carries a \$172 fine, instead of fraudulent use, which is \$298 (plus court fees), Niesen says. But even that takes a lot more legwork.

"Before, if we saw someone using a permit and we knew it wasn't their permit, we could ticket them," says Niesen. "Now we have to watch them arrive to the parking spot, watch them get out of the vehicle, and watch them leave. So we're sitting on the vehicle for quite a long time. We have to do a lot more investigating."

Sometimes officers watch a suspected violator for several days. "Then we will issue them a couple weeks' worth of tickets, which isn't cheap," Niesen says.

Rep. Peggy Krusick (D-Milwaukee) is sponsoring a bill that would put the word "use" back into the law, making it easier for tickets to be written. It would also increase the fine for illegally using a disabled tag from \$298 to \$500. Assembly Bill 284 was approved by the transportation committee last year and is slated for a full Assembly vote.

Meanwhile, others have suggested it's time to do away with free parking for the disabled.

Even many disabled-rights advocates think it might help reduce fraud, by eliminating the incentive. Says Pribbenow, "The [Americans with Disabilities Act] is aimed at giving people access, not necessarily special treatment." He notes that in some cities, disabled tags sell on the black market for thousands of dollars.

But Pribbenow acknowledges that being able to park for free can be a great benefit for people who are disabled. It helps some people with disabilities "lead a more normal life."

That's why he gets riled about people who take advantage of the system: "Those people are taking away the opportunity of the disabled to be like everybody else."



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2011 Assembly Bill 81	Assembly Amendment 1
<i>Memo published:</i> July 22, 2011	<i>Contact:</i> Chadwick Brown, Staff Attorney (266-0922)

This memorandum describes Assembly Amendment 1 to 2011 Assembly Bill 81, relating to special identification cards issued by the Department of Transportation (DOT) providing parking privileges for persons with physical disabilities and providing a penalty.

Under *current law*, a person with a disability that limits or impairs the ability to walk may apply for and obtain from DOT a special identification card (disabled parking card). A disabled parking card holder who sells or lends the card to someone that party knows is not authorized to use it, or uses a card that party is not authorized to use, is subject to a forfeiture of not less than \$50 and not more than \$300. A person or organization that fraudulently procures, makes, alters, reproduces, or duplicates a disabled parking card must forfeit not less than \$200 or more than \$500.

Assembly Bill 81 raises the forfeiture for fraudulent use of a disabled parking card by someone who was not issued the card to not less than \$200 and not more than \$500. The bill also eliminates the intent element of a violation of the statute prohibiting the unauthorized display of a disabled parking card. It removes the requirement that a violator must know that the vehicle is not authorized to have the card displayed on it.

Assembly Amendment 1 removes the intent element for the offense of selling a disabled parking card.

Legislative History

The Assembly Committee on Transportation introduced Assembly Amendment 1 and recommended adoption of the amendment by a vote of Ayes, 15; Noes, 0. The committee recommended passage of Assembly Bill 81, as amended, by a vote of Ayes, 15; Noes, 0.

CB:ksm



Wisconsin Coalition of
Independent Living Centers
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To: Senate Members of the Committee on Transportation and Elections
From: Maureen Ryan, Executive Director, Wisconsin Coalition of Independent Living Centers
Date: September 28, 2011
Subject: AB 81

The Wisconsin Coalition of Independent Living Centers (WCILC) is a statewide not for profit coalition of eight Independent Living Centers. The WCILC mission is to promote the rights of people with disabilities to live independently and to be active participants in community life.

The Wisconsin Coalition of Independent Living Centers supports AB 81, the Disabled Parking Accessibility Trailer.

For many people with mobility disabilities, accessible parking is the difference between active participation in the community and the inability to access crucial components of a fulfilling life. For example, accessible parking can allow a person with a disability to get to school and work as well as accomplishing vital tasks, such as shopping and going to medical appointments. Fraudulent use of disabled parking permits takes away necessary parking spots from the people who need them. Current law provides insufficient disincentive for fraudulent use and sale of disabled parking permits.

Not only does the fraudulent use of disabled parking permits hurt people with disabilities, it also costs the state money. People using a permit can park in metered spots without charge. When one is used by an unauthorized vehicle, the state loses parking fees. When added together, the illegal use and sale of disabled parking passes costs the state a significant amount of money.

Because of this need for larger disincentives, WCILC supports this bill's increased penalty for fraudulently using and selling disabled parking permits.

Additionally, current law makes it difficult to penalize someone for fraudulently using a disabled parking permit. Currently, law enforcement has to prove that a person has knowingly broken the law. This makes the law very difficult to enforce. This bill removes that barrier specifically putting the "use" of a fraudulent permit back into the law. WCILC supports giving law enforcement the ability to properly enforce this law.

The fraudulent use of disabled parking permits is a serious issue that creates real barriers in the lives of people with disabilities. The Wisconsin Coalition of Independent Living Centers asks that you vote in favor of AB 81.



Survival Coalition

of Wisconsin Disability Organizations

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To: Senate Members of the Committee on Transportation and Elections
From: Survival Coalition co-chairs:
Lynn Breedlove, Disability Rights Wisconsin
Maureen Ryan, Wisconsin Coalition of Independent Living Centers, Inc.
Beth Swedeen, Wisconsin Board for People with Developmental Disabilities
Date: September 28, 2011
Subject: AB 81

The Survival Coalition of Wisconsin Disability Organizations is comprised of over 30 groups representing people with disabilities, their family members, advocates and providers of disability services for over 20 years.

Survival Coalition supports AB 81, the Disabled Parking Accessibility Trailer.

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The fraudulent use of disabled parking permits is a serious issue that creates real barriers in the lives of people with disabilities. Survival Coalition asks that you vote in favor of AB 81.



State of Wisconsin
Governor's Committee for People with Disabilities

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September 27, 2011

Senator Mary Lazich, Chair
Senate Transportation and Elections Committee
Room 8 South
State Capitol
Madison, WI

Re: Assembly Bill 81 Special Identification Cards Issued by the Department of Transportation Providing Parking Privileges for Persons with Physical Disabilities and Providing a Penalty

Dear Senator Lazich:

The Governor's Committee for People with Disabilities would like to wholeheartedly convey its support of Assembly Bill 81. The Governor's Committee for People with Disabilities believes it is vital to increase the penalty for selling a disabled parking card to an unauthorized user to a substantially larger mandatory forfeiture than currently exists. The Governor's Committee for People with Disabilities does not believe the current penalty provides a significant deterrent from selling disabled parking cards.

In addition, the Governor's Committee for People with Disabilities supports the bill's further intention to increase the mandatory forfeiture to not less than \$200 nor more than \$500 for violators who fraudulently use a disabled parking card that was not issued by the Department of Transportation. We believe there is a great need to increase the penalty for fraudulent use as this could provide the deterrent necessary to stop this practice.

Finally, the Governor's Committee for People with Disabilities further supports the elimination of the requirement that, to constitute a violation for displaying a disabled parking card on a vehicle not authorized to have the card displayed on it, the violator must know that the vehicle is not authorized to have the card displayed on it.

Please accept our support of the passage of AB81. Thank you for your time and consideration.

Sincerely,

Joe Mielczarek, Chairperson

Cc:
Senator Joseph Leibham, Vice Chair
Senator Frank Lasseé

dhfs.wisconsin.gov/disabilities/physical/gcpd.htm

Senator Jon Erpenbach
Senator Spencer Coggs
Senator Dave Hansen
Senator Luther Olsen
Senator Julie Lassa
Senator Robert Cowles
Senator Chris Larson
Representative Peggy Krusick



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September 27, 2011

Senator Mary Lazich, Chair
Senate Transportation and Elections Committee
Room 8 South
State Capitol
Madison, WI

Re: Assembly Bill 81: Special Identification Cards Issued by the Department of Transportation Providing Parking Privileges for Persons with Physical Disabilities and Providing a Penalty

Dear Chairperson Lazich:

The Council on Physical Disabilities registers in favor of Assembly Bill 81 and expresses its fervent support for Senate passage of this bill. The Council feels that it is extremely important to substantially increase the penalty for selling a disabled parking card to an unauthorized user. A larger mandatory forfeiture than currently exists is required. We believe that the current penalty does not provide a significant deterrent from selling disabled parking cards.

We also supports the bill's further intention to increase the mandatory forfeiture to not less than \$200 nor more than \$500 for violators who fraudulently use a disabled parking card that was not issued by the Department of Transportation. Again, the Council feels that there is a need to increase the penalty for fraudulent use.

Finally, the Council further supports the elimination of the requirement that, to constitute a violation for displaying a disabled parking card on a vehicle not authorized to have the card displayed on it, the violator must know that the vehicle is not authorized to have the card displayed on it.

Sincerely,

Ben Barrett
Chairperson

Cc:
Senator Joseph Leibham, Vice Chair
Senator Frank Lasee
Senator Jon Erpenbach
Senator Spencer Coggs
Senator Dave Hansen
Senator Luther Olsen

Senator Julie Lassa
Senator Robert Cowles
Senator Chris Larson
Representative Peggy Krusick